

## REMARKS

### INTRODUCTION

In accordance with the foregoing, claims 1 and 4 have been amended. Claims 1-12 are pending and under consideration. Reconsideration is respectfully requested.

### CLAIM REJECTIONS -- 35 U.S.C. § 102(b)

In the Office Action, at page 2, claims 1-3, 7 and 11 were rejected under 35 U.S.C. § 102(b) as being anticipated by Hanson et al. (US 5,201,185) (hereinafter "Hanson"). This rejection is traversed and reconsideration is requested.

Hanson discloses methods of defrosting an evaporator coil of a transport refrigeration unit. The evaporator coil in Hanson is defrosted using a hot gas defrost system that routes high pressure refrigerant through the evaporator. Hanson, column 3, lines 11-68.

#### Claims 1-3 and 7

Amended claim 1 recites: "...wherein the first and second defrosting mode comprise a defrost heater adapted to defrost the heat exchanger." Support for this amendment may be found at least in the specification of the present application, in the paragraph beginning at line 29 of page 6. Hanson defrosts an evaporator coil by routing high pressure refrigerant through the evaporator. By contrast, amended claim 1 recites using a defrost heater to defrost the heat exchanger.

Claims 2, 3 and 7 depend from claim 1 and recite patentably distinguishing features of their own. For example, claim 2 recites that the determination of whether or not the predetermined first defrosting completion condition is usable is made, based on whether a heat exchanger temperature sensor adapted to measure a temperature of a heat exchanger, to be defrosted, is in a normal state or in a failure state.

Withdrawal of the foregoing rejections is respectfully requested.

#### Claim 11

Claim 11 recites: "...a defrost heater adapted to perform a defrosting operation for the heat exchanger; and..." Similar to the arguments stated above, Hanson does not disclose a method of defrosting a heat exchanger using a defrost heater. Hanson utilizes the hot gas

method of sending high pressure refrigerant through the heat exchanger. Claim 11 recites using a defrost heater to perform the defrosting operation.

Withdrawal of the foregoing rejection is respectfully requested.

#### **ALLOWABLE SUBJECT MATTER**

The Applicants acknowledge with appreciation that claims 8-10 are allowable and that claims 4-6 and 12 have been found to contain allowable subject matter. Claim 4 has been rewritten in independent form to contain all of the limitations of any base claims. Withdrawal of the objections to claims 5 and 6 is respectfully requested at least due to their dependency upon claim 1, for the reasons mentioned above. Withdrawal of the objections to claim 12 is respectfully requested at least due to its dependency upon claim 11, for the reasons mentioned above.

#### **CONCLUSION**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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